

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| SECURITIES AND EXCHANGE | : | |
| COMMISSION, | : | |
| | : | |
| Plaintiff, | : | Civil Action |
| | : | No. 05-11805-NMG |
| v. | : | |
| | : | |
| RICHARD F. SELDEN, | : | |
| | : | |
| Defendant. | : | |
| ----- | X | |

**DEFENDANT RICHARD F. SELDEN'S UNOPPOSED
MOTION TO AMEND THE SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16 and L.R. 16.1, Defendant Richard F. Selden hereby moves to amend the Scheduling Order in this action. A [Proposed] Amended Scheduling Order is attached hereto at Exhibit A. The grounds for this motion are set forth in Defendant Richard F. Selden's Memorandum Of Law In Support Of His Unopposed Motion To Amend The Scheduling Order submitted herewith.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned hereby certifies that counsel for Defendant Richard F. Selden has conferred with Plaintiff's counsel in an attempt to narrow the issues on this Motion and has been authorized to state that Plaintiff's counsel takes no position on the facts recited vis-à-vis Defendant's FDA subpoena efforts and does not oppose the relief sought herein.

Dated: February 27, 2006

/s/ Thomas J. Dougherty
Thomas J. Dougherty

Dated: February 27, 2006
Boston, Massachusetts

Respectfully submitted,

/s/ Thomas J. Dougherty
Thomas J. Dougherty (BBO #132300)
Justin J. Daniels (BBO #656118)
Cale P. Keable (BBO #651627)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800

Counsel for Defendant
Richard F. Selden

CERTIFICATE OF SERVICE

I, Cale P. Keable, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 27, 2006.

Dated: February 27, 2006

/s/ Cale P. Keable
Cale P. Keable

Exhibit A

UNITED STATES DISTRICT COURT
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| | : | |
| Defendant. | : | |
| ----- | x | |

[PROPOSED] AMENDED SCHEDULING ORDER

The deadlines contained in the Scheduling Order entered on January 13, 2006 are amended as follows, otherwise that Order shall remain in full force and effect:

1. Amendment and/or supplements to the pleadings may be filed by July 31, 2006, subject to the provisions of the Federal Rules of Civil Procedures;
2. Written discovery requests are to be served by September 29, 2006, and answers are to be served by October 30, 2006;
3. All fact depositions are to be completed by February 28, 2007;
4. All trial experts by plaintiff are to be designated and disclosure of information contemplated by Fed. R. Civ. P. 26(a)(2) by March 30, 2007, defendant May 30, 2007, plaintiff expert depositions are to be completed by April 30, 2007, defendant June 30, 2007;
5. All dispositive motions, including motions for summary judgment, are to be filed by August 17, 2007;
6. Discovery is to be completed by February 28, 2007, unless shortened or enlarged by Order of this Court.
7. A final pretrial conference will be held on _____ to be noticed by the Court, and must be attended by trial counsel. Counsel shall be prepared to commence trial as of _____.

Dated: _____

UNITED STATES DISTRICT JUDGE